

~~CORRESPONDENCE~~  
~~FILE~~

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.

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OCT 19 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re )  
 )  
Amendment of Section 73.202(b) )  
Table of Allotments, )  
FM Broadcast Stations )  
(Half Way, Ozark )  
and Humansville, Missouri )

MM Docket No. 93-186  
RM-8258  
RM-8333

To: The Chief, Allocations Branch  
Mass Media Bureau

MOTION TO STRIKE

Missouri Radio, Inc. ("MRI"), hereby moves the Commission to strike the Opposition of Ozark Mountain Broadcasting, Inc. in the above-captioned proceeding on the grounds that it was untimely filed.

1. On September 3, 1993, MRI filed a Comment and Counterproposal in response to a Notice of Proposed Rulemaking ("NPRM"), DA 93-729 (released July 13, 1993). In response to MRI's Comment and Counterproposal, the Commission, on September 16, 1993, issued a Public Notice accepting the Counterproposal of MRI in MM Docket 93-186 (RM-8333). The Public Notice stated that MRI's petition would be treated as a counterproposal in MM Docket 93-186 and further stated that Reply Comments to the Counterproposal should be submitted within fifteen (15) days of the Public Notice.

2. The fifteenth day after the Public Notice fell on October 1, 1993. On that date, MRI filed its own Reply Comments

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in RM-8333. It served a copy of those Reply Comments on Ozark Mountain Broadcasting, Inc. To MRI's knowledge, no other party filed Reply Comments in RM-8333.

3. The opposition of Ozark Mountain Broadcasting, Inc. to the Reply Comments of MRI were filed and served on October 8, 1993. A copy of the Certificate of Service is attached hereto as Exhibit A. As such, Ozark Mountain Broadcasting's Opposition was filed a full week after the deadline for Reply Comments in the above-referenced proceeding.<sup>1/</sup>

For these reasons, it is respectfully submitted that the Opposition of Ozark Mountain Broadcasting, Inc. should be returned and stricken as untimely filed.

Respectfully submitted,

**MISSOURI RADIO, INC.**

By:  \_\_\_\_\_

1909 Columbia Drive  
Richardson, Texas 75081

Dated: October 18, 1993


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<sup>1/</sup> The deadline for Reply Comments in the NPRM expired on September 20, 1993.

**EXHIBIT A**

**CERTIFICATION**

Gary W. Lynch, of legal age and being duly sworn upon his oath states that he is the President of Ozark Mountain Broadcasting, Inc. and that to the best of my knowledge, information and belief the factual matters set forth in the above Reply Comments are true and accurate.

  
Gary W. Lynch

Subscribed and sworn to before me this 8th day of October, 1993.



Notary Public

SHONTEL CUNNINGHAM, NOTARY PUBLIC  
NOTARY SEAL  
STATE OF MISSOURI  
MY COMMISSION EXPIRES 7-28-95

My Commission Expires: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I, Gary W. Lynch, President of Ozark Mountain Broadcasting, Inc., hereby certify that I have this 8th day of October, 1993, mailed by first class United States mail, postage prepaid, copies of the foregoing "**OPPOSITION OF OZARK MOUNTAIN BROADCASTING, INC TO REPLY COMMENTS OF MISSOURI RADIO, INC.**" to the following:

William J. Pennington, III  
Attorney for KYOO Broadcasting Company  
P.O. Box 2506  
Pawleys Island, SC 29585

Lake Broadcasting  
John Borders, Proprietor  
5930 L.B.J.  
Suite 400  
Dallas, TX 75240


OPPOSITION OF OZARK MOUNTAIN BROADCASTING, INC.  
TO REPLY COMMENTS OF MISSOURI RADIO, INC.

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Missouri Radio, Inc.  
J. Gregory Borders, President  
1909 Columbia Drive  
Richardson, TX 75081

Demaree Media, Inc.  
Station KFAY-FM  
P.O. Box 878  
Fayetteville, AR 72712

Hendren-McChristian Communications  
Station KXBR  
Rt. 5, Hwy. 72 East  
Gravette, AR 72736

  
Gary W. Lynch, President  
Ozark Mountain Broadcasting, Inc.

**VERIFICATION**

I, J. Gregory Borders, President of Missouri Radio, Inc. do hereby certify under penalty of perjury that I have read the foregoing "Motion to Strike" ("Motion"), that I have personal knowledge of the facts stated in the Motion and that to the best of my knowledge, information and belief, the facts stated in the Motion are true and correct.

  
\_\_\_\_\_  
J. Gregory Borders

October 18, 1993

CERTIFICATE OF SERVICE

I, J. Gregory Borders, President of Missouri Radio, Inc., do hereby certify that a true copy of the foregoing "MOTION TO STRIKE" was sent this 18th day of October, 1993, by first-class United States mail, postage prepaid, to the following:

William J. Pennington, III  
Attorney for KYOO Broadcasting Co.  
P.O. Box 2506  
Pawleys Island, SC 29585

Lake Broadcasting  
John Borders, Proprietor  
5930 L.B.J.  
Suite 400  
Dallas, TX 75240

Gary Lynch, Esq.  
Ozark Mountain Broadcasting, Inc.  
P.O. Box 117  
Bolivar, MO 65613

Henderson-McChristian Communication  
Station KXBR  
Route 5, Highway 72 East  
Gravette, AR 72736

Demaree Media, Inc.  
Station KFAY-FM  
P.O. Box 878  
Fayetteville, AR 72712

  
\_\_\_\_\_  
J. Gregory Borders